

**Matter of England**  
**Del. Supr., 421 A.2d 885 (1980)**

**Disciplinary Rules:** DR 1-102(A)(3-4), DR 9-102.

**Nature of Case:**

The Censor Committee found:

(1) In 1974 the Respondent was appointed Executor of the Estate of Alexis H. Le Moigne. As Executor, Respondent collected certain assets of the decedent and deposited said funds in an Executor's checking account at the Wilmington Trust Company. Respondent alone was authorized to draw checks.

(2) Respondent intentionally and fraudulently took from the Estate account at least \$50,000.00 and illegally converted such funds to Respondent's personal use.

(3) Respondent's whereabouts become unknown to the Supreme Court and the Court of Chancery from late 1975 until mid-1979 when he was accidentally met and recognized by another member of the Delaware Bar in Arlington, Virginia, where Respondent was engaged in the real estate business.

(4) During Respondent's absence an order was entered, pursuant to a Petition for Temporary Suspension filed in the Supreme Court, suspending Respondent from the practice of law.

(5) Upon Respondent's return to Delaware he was charged with and pled guilty to a violation of 11 Del. C. Section 841(F) (Felony Theft) in connection with his taking of the Estate funds.

The Committee then concluded that: (1) The Respondent had engaged in illegal conduct involving moral turpitude in violation of DR 1-102(A)(4); (2) the Respondent engaged in conduct involving fraud, deceit or misrepresentation in violation of DR 1-102(A)(4), and (3) the Respondent failed to preserve the identity of funds and property of a client in identifiable bank accounts maintained in this State in violation of DR 9-102.

**Action Taken by the Court:**

The Court found that the Respondent's conduct was such as to show his moral unfitness to continue in the practice of law and ordered that Respondent be disbarred.